

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch III

**PROPOSED AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON DECEMBER 14, 2011 AT 10:00 A.M. EST**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, submits this proposed agenda for the hearing scheduled for December 14, 2011 at 10:00 a.m. EST ("Hearing") in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana. The Trustee anticipates that the matters before the Court for the Hearing will take approximately three (3) hours.

**I. DIAL IN INFORMATION**

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key.

**II. CONTINUED MATTERS**

1. **Purchase Money Claims Report – reserved funds for resolution (only those matters to be heard pursuant to the scheduling orders will be listed)**
  - a. Stockman Oklahoma Livestock Marketing, Inc. (Docket No. 545) pertaining to Fund No. 65 along with objections filed by The Bank of Kremlin (Docket No. 544), Brent Kuehny (Docket No. 544) and Crumpler Bros. (Docket No. 546)
    - i. Interpleader Plaintiffs' Joint Dispositive Issue  
Memorandum on Constructive Trust Issue (docket #734)
    - ii. J & F Oklahoma Holdings, Inc.'s Memorandum In  
Opposition On Kremlin Issue Memorandum (docket #735)

- iii. Fifth Third's Objection To The Response And Objection Of Brent Kuehny d/b/a Dollar K Cattle Co., And The Bank Of Kremlin To The Trustee's Purchase Money Claims Report, Motion To Transfer Funds And Notice Of Release Of Proceeds From Account (docket #786)
- iv. Fifth Third's Limited Statement And Memorandum In Support Of Trustee's Omnibus Reply To Objections To Purchase Money Claims Report (docket #787)
- v. Trustee's Memorandum Of Law On "Kremlin Issue" (docket #793)
- vi. Dispositive Issue Memorandum (Constructive Trust) Of Stockman Oklahoma Livestock Marketing, Inc. Regarding The Trustee's Purchase Money Claims Report, Motion To Transfer Funds And Notice Of Release Of Proceeds From Account (docket #796)
- vii. J&F Oklahoma Holdings, Inc.'s Brief In Opposition To The Kremlin Issue (docket #815)
- viii. Limited Response Of Fifth Third To Dispositive Memorandum Of Stockman Oklahoma Livestock Marketing, Inc. (docket #818)
- ix. Trustee's Response To SOLM's "Dispositive Issue Memorandum" (docket #829)
- x. Superior Livestock Auction, Inc.'s Response To Trustee's Motion For Partial Summary Judgment (docket #846)
- xi. Supplement To Trustee's Response to SOLM's "Dispositive Issue Memorandum" (docket #847)
- xii. Joplin Regional Stockyards and Superior Livestock Auction, Inc.'s Response To Fifth Third Bank's "Limited Statement" On Purchase Money Claims Report Trust Issues (docket #854)
- xiii. Brent Kuehny d/b/a Dollar K Cattle Co. and The Bank of Kremlin] Dispositive Memorandum (Kremlin Issue) (docket #855)
- xiv. Objection To Joplin And Superior's Response To Fifth Third's Limited Statement (docket #861)

- xv. Supplemental Objection to Purchase Money Claims Report and Motion For Rule 7001 Threshold Determination of Common Questions of Law Impacting Rights of Multiple Claimants in Bankruptcy and For Briefing Schedule (docket #874)

Status: *"Kremlin Issue" and "Dispositive Issue" set for hearing. See docket #825.*

*Going forward.*

- 2. **["Peoples Bank & Trust"]** Peoples Bank & Trust Company of Pickett County's Motion For Relief From Automatic Stay And Abandonment Of Property (docket #300) *continued from March 11, 2011, April 15, 2011, May 11, 2011, June 24, 2011 and October 25, 2011*
  - a. Peoples Bank & Trust Company of Pickett County's Motion For Relief From Automatic Stay And Abandonment Of Property (Corrected Motion) (docket #317)
  - b. Trustee's Objection To Motion For Relief From Automatic Stay And Abandonment Of Property Filed By Peoples Bank & Trust Company of Pickett County (docket #334)
  - c. Kathryn L. Pry's Joinder Of Trustee's Objection To Motion For Relief From Automatic Stay And Abandonment Of Property Filed By Peoples Bank & Trust Company Of Pickett County (docket #337)
  - d. Supplement To Trustee's Objection To Motion For Relief From Automatic Stay And Abandonment Of Property Filed By Peoples Bank & Trust Company of Pickett County (docket #454)
  - e. Peoples Bank & Trust Company of Pickett County's Motion For Final Hearing (docket #751)
  - f. Trustee's Supplemental Objection To Peoples Bank & Trust Company Of Pickett County's Motion For Relief From Automatic Stay And Abandonment Of Property (docket #867)
  - g. Peoples Bank & Trust Company of Pickett County's Motion In Limine With Respect To Proposed Testimony Of Patrick O'Malley (docket #887)
  - h. Trustee's Exhibits And Demonstrative Aids For Hearing On Peoples Bank's Motion For Relief From Stay (docket #888)

- i. Trustee's Response To Peoples Bank's Motion In Limine With Respect To Proposed Testimony Of Patrick O'Malley (docket #893)

Status: *Going forward on Peoples Bank's Motion In Limine and Trustee's Response thereto.*

### **III. NEW MATTERS**

3. **["Trustee James A. Knauer"]** Second Interim Application Of James A. Knauer For Compensation And Reimbursement Of Expenses As Chapter 11 Trustee (docket #816)
  - a. Cattle Producers' Objection To Professional Fee Applications Of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; And (3) Baker & Daniels LLP (docket #894)
  - b. The First Bank and Trust Company's Objection To The Second Interim Application Of James A. Knauer For Compensation And Reimbursement Of Expenses As Chapter 11 Trustee (docket #901)
  - c. Superior Livestock Co., LLC's Objection And Reservation Of Rights To Fee Application Of James Knauer, Chapter 11 Trustee (docket #905)

Status: *Going forward.*

4. **["Hoover Hull"]** First Interim Application Of Hoover Hull LLP For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee (docket #819)
  - a. Superior Livestock Co., LLC's Objection To First Interim Fee Application Of Hoover Hull LLP (docket #857)
  - b. Hoover Hull LLP's Response To Objections To First Interim Application For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee (docket #891)
  - c. Cattle Producers' Objection To Professional Fee Applications Of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; And (3) Baker & Daniels LLP (docket #895)
  - d. The First Bank and Trust Company's Objection To First Interim Application Of Hoover Hull LLP For Compensation And

Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee (docket #902)

Status: *Going forward.*

5. **["Baker & Daniels LLP"]** Second Interim Application Of Baker & Daniels LLP For Compensation And Reimbursement Of Expenses As Counsel For James A. Knauer, Chapter 11 Trustee (docket #820)
  - a. Cattle Producers' Objection To Professional Fee Applications Of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; And (3) Baker & Daniels LLP (docket #896)
  - b. The First Bank and Trust Company's Objection To The Second Interim Application Of Baker & Daniels LLP For Compensation And Reimbursement Of Expenses As Counsel For James A. Knauer, Chapter 11 Trustee (docket #903)
  - c. Superior Livestock Co., LLC's Objection And Reservation Of Rights To Fee Application Of Baker & Daniels LLP (docket #904)

Status: *Going forward.*

6. **["DSI"]** Second Interim Application Of Development Specialists, Inc. For Compensation And Reimbursement Of Expenses As Consultant For James A. Knauer, Chapter 11 Trustee (docket #821)

Status: *Hearing to be held only if objections are timely filed.*

7. **["Ad Hoc Committee"]** Motion To Approve An Informal Ad Hoc Committee (docket #828)
  - a. U.S. Trustee's Objection To Motion To Approve An Informal Ad Hoc Committee (docket #879)
  - b. Objection Of Fifth Third Bank To Motion To Approve An Informal Ad Hoc Committee (docket #890)
  - c. Trustee's Objection To Motion To Approve An Informal Ad Hoc Committee (docket #892)

Status: *Going forward.*

8. **["Sale Agreement"]** Motion To Approve Sale Agreement And Compromise Of Claims Concerning Cattlemen's Feedlot, Ltd. (docket #865)

- a. Cattle Producers' Limited Objection To Motion To Approve Sale Agreement And Compromise Of Claims Concerning Cattlemen's Feedlot, Ltd. (docket #865)

Status: *Going forward.*

- 9. **["Joint Administration"]** Motion For Joint Administration (docket #871)

Status: *Going forward.*

#### **IV. ADVERSARY PROCEEDINGS (all set for status conference only)**

- 10. **["Superior"]** Superior Livestock Auction, Inc. vs Eastern Livestock Co., LLC (Adv. Proc. 11-59088)

- a. Superior Livestock Auction, Inc.'s Motion For Partial Judgment On The Pleadings (docket #32)
- b. Third Party Defendants' Joint Motion To Consolidate Or To Dismiss (docket #37)
- c. Motion to Defer Briefing and Consideration of Motion of Fifth Third Bank for Partial Summary Judgment Pending Ruling on the Same Issues in Connection with Motion for Judgment on the Pleadings (docket #93)
  - i. Fifth Third's Response to Superior Livestock's Motion to Defer Briefing and Consideration of Motion of Fifth Third Bank for Partial Summary Judgment (docket #96)

Status: *Status conference.*

- 11. **["Friona"]** Friona Industries, LP, et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59093)

- a. Friona Industries L.P.'s First Amended Complaint in the Nature of Interpleader (docket #30)
- b. J&F Oklahoma Holdings, Inc.'s First Amended Intervention And Complaint in the Nature of Interpleader (docket #33)
- c. Cactus Growers, Inc.'s First Amended Complaint In Intervention In The Nature Of Interpleader (docket #34)

- d. Motion Of Superior Livestock Auction, Inc. To Stay Proceedings (docket #170)
  - i. Trustee James Knauer's Response In Opposition To Superior Livestock Auction, Inc.'s Motion To Stay (docket #182)
  - ii. Interpleader Plaintiffs' Joint Reply To Motion To Stay Proceedings And Motion To Consolidate Or Dismiss (docket #183)
- e. Trustee's Motion For Partial Summary Judgment Concerning Statutory Trusts, Constructive Trusts And Clearing Agency Issues (docket #248)
  - i. Brief In Support Of Trustee's Motion For Partial Summary Judgment (docket #249)
  - ii. Appendix To Trustee's Brief In Support Of Motion For Partial Summary Judgment Concerning Statutory Trusts, Constructive Trusts And Clearing Agency Issues (docket #250)
  - iii. Trustee's Reply In Support Of Trustee's Motion For Partial Summary Judgment (docket #306)
  - iv. Trustee's Motion For Leave To File Supplemental Evidence In Support Of Trustee's Motion For Partial Summary Judgment (docket #307)
  - v. Declaration Pursuant To Fed. R. Civ. P. 56(d) (docket #313)
- f. Superior Livestock Auction, Inc.'s Motion for Partial Judgment on the Pleadings (docket #274)
  - i. Trustee's Brief In Response To Superior Livestock Auction's Motion For Partial Judgment On The Pleadings (docket #301)
  - ii. Declaration of Surcy Peoples (docket #302)
  - iii. Friona Industries, L.P.'s Objection And Response To Motion Of Superior Livestock Auction, Inc. For Partial Judgment On The Pleadings (docket #303)

Status: *Status conference.*

- 12. **["Innovative"]** Innovative Livestock Services, Inc., et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59098)

- a. Motion Of Superior Livestock Auction, Inc. To Stay Proceedings (docket #25)
- b. Trustee James Knauer's Response In Opposition to Superior Livestock Auction, Inc.'s Motion to Stay (docket #35)

Status: Status conference.

- 13. **["Rush Creek Ranch"]** Rush Creek Ranch, LLLP vs Eastern Livestock Company, LLC, et al. (Adv. Proc. 11-59104)

Status: Status conference.

- 14. **["Fredin Brothers"]** Fredin Brothers, Inc. vs Bankers Bank, et al. (Adv. Proc. 11-59108)

- a. Trustee's Motion for Leave to Amend Answer to Peoples Bank's Crossclaim (docket #62)

Status: Status conference.

#### V. **RELATED CASES**

##### **In re East-West Trucking Co., LLC 10-93799**

- 15. **["Motion for Relief"]** Cattlemen's Feedlot, Ltd.'s Motion for Relief from Stay (docket #35); Cattlemen's Feedlot, Ltd.'s Supplemental Motion For Relief From Stay (docket #58)

Status: Cattlemen's Feedlot, Ltd.'s Withdrawal Of Its Motion For Relief From Stay (docket #243)

- 16. **["Connie Pruett"]** Trustee's Motion For Authority To Pay Priority Claim Of Connie Pruett (docket #237)

Status: Going forward.

- 17. **["Cattlemen's Feedlot"]** Trustee's Motion To Assume Executory Contracts With Cattlemen's Feedlot, Ltd. (docket #238)

Status: Going forward.

- 18. **["Cattlemen's Feedlot"]** Motion to Compromise and Settle with Cattlemen's Feedlot, Ltd. (docket #239)

- a. ELC Trustee's Conditional Objection To Motion to Compromise and Settle with Cattlemen's Feedlot, Ltd. (docket #247)



- b. Fifth Third Bank, N.A.'s Joinder To Trustee's Conditional Objection To Motion To Compromise And Settle With Cattlemen's Feedlot, Ltd. (docket #248)

Status: *Going forward.*

**In re Okie Farms, L.L.C. 11-93144**

19. **["Joint Administration"]** Motion For Joint Administration (docket #4)

Status: *Going forward.*

20. **["Sale Agreement"]** Motion To Approve Sale Agreement And Compromise Of Claims Concerning Cattlemen's Feedlot, Ltd. (docket #9)

Status: *Going forward.*

**VI. NEXT SCHEDULED HEARINGS**

The dial-in telephone number for interested parties to participate in the upcoming scheduled hearings, as indicated below, by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key. The hearings will be held in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana.

<b><u>Hearing Date</u></b>	<b><u>Time</u></b>
January 13, 2012	10:00 a.m. EST
February 13, 2012	10:00 a.m. EST
March 12, 2012	10:00 a.m. EST

Respectfully submitted,

BAKER & DANIELS LLP

By: /s/Terry E. Hall

*Counsel for James A. Knauer, Chapter 11 Trustee*

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on December 13, 2011, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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